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November 3, 2006

Re: Applicant(s): Nielsen, James T.; et. al.
Assignee: Cardica, Inc.
Title: Surgical Apparatus and Method for Anastomosis
Serial No.: 10/750,712
Examiner: Michael T. Andersen
Docket No.: 149

Filed: Dec. 31, 2003
Group Art Unit: 3734

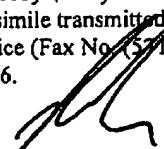
Transmitted herewith are the following documents in the above-identified application:

- (1) This Transmittal Letter; and
- (2) Applicant-Initiated Interview Request.

- ☒ No additional fee is required.
- ☒ Please charge any additional fees required and credit any overpayment to our Deposit Account No. 502108.

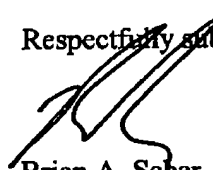
Certificate of Transmission

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office (Fax No. (571) 273-8300) on November 3, 2006.



Brian Schar

Respectfully submitted,


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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Nielsen, James T.; et. al.
Assignee: Cardica, Inc.
Title: Surgical Apparatus and Method for Anastomosis
Serial No.: 10/750,712
Examiner: Michael T. Andersen Filed: Dec. 31, 2003
Docket No.: 149 Group Art Unit: 3734

APPLICANT-INITIATED INTERVIEW REQUEST

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

In compliance with MPEP 713.01, this request is submitted to the Examiner in advance of the interview, and in a form equivalent to Form PTOL-413A.

The proposed date and time of the interview is November 16th, at 11:30 a.m. The type of interview requested is personal. Tentative participants are Brian Schar, attorney for Cardica, Inc., and Examiner Michael T. Andersen. Supervising Primary Examiner of Art Unit 3734, Michael J. Hayes, is also a tentative participant, at the discretion of Examiner Andersen. An exhibit may be shown: a demonstration model of Cardica's C-Port® distal anastomosis tool. A short animation of the operation of that tool may also be shown.

The issues to be discussed include:

- (1) patentability of claims 1-8 and 10-13 over U.S. Pat. No. 6,254,617 to Spence et. al. because, among other reasons, Spence does not disclose the claimed staple holder having spaced-apart arms, or the claimed graft affixer projecting therefrom;
- (2) patentability of claims 9 over Spence, because Spence does not teach or suggest the claimed spaced-apart and substantially unconnected indicia, or the claimed angling the graft vessel;
- (3) potential amendments to one or more claims in order to facilitate allowance also may be discussed; and
- (4) consideration of foreign and non-patent references previously submitted in Information Disclosure Statements.

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Dkt. No. 149

Assignee's attorney thanks the Examiner for his time and courtesy. Please contact the undersigned if there are any questions.

Respectfully submitted,



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